

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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AIMEE LYNN O'NEIL,

Case No. 2:20-cv-0804-KJD-EJY

Plaintiff,

ORDER

v.

STATE OF NY,

Defendant.

Before the Court for consideration is the Report and Recommendation (#5) of Magistrate Judge Elayna J. Youschah entered July 7, 2020, recommending that Plaintiff's complaint be dismissed and that Plaintiff's Motion for Entry of Clerk's Default (#4) be denied, because the State of New York is immune from suit. Though the time for doing so has passed, Plaintiff has failed to file objections to the report and recommendation. Plaintiff's Amended Complaint (#11) does not resolve the immunity issue and further is frivolous.

The Court has conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Report and Recommendation (#5) of the United States Magistrate Judge entered July 7, 2020, should be **ADOPTED** and **AFFIRMED**.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#5) entered July 7, 2020, are **ADOPTED** and **AFFIRMED**;

IT IS FURTHER ORDERED that Plaintiff's Motion for Entry of Clerk's Default (#4) is DENIED;

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1 IT IS FURTHER ORDERED that Plaintiff's complaint is **DISMISSED** with prejudice.
2 Dated this 27th day of January 2021.

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6 Kent J. Dawson
7 United States District Judge
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